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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,874	08/28/2006	Klaus Linhard	3926.261	4127
30448	7590	11/28/2007		
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER LYJAK, LORI LYNN	
			ART UNIT 3612	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,874

Applicant(s)

LINHARD ET AL.

Examiner

Lori L. Lyjak

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 6, "flat lattice structure and/or at least one perforated plate" (line 2) is now clear. Does it mean "flat lattice structure and at least one perforated plate" or "flat lattice structure or at least one perforated plate"?

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerling et al. 7,050,593 in view of Denda et al. 6,480,614.

Regarding claims 1 and 9, Emerling et al. '593 discloses a motor vehicle having at least one microphone (30) of a passenger cell of the vehicle.

However, Emerling et al. '593 does not show at least one sun visor pivotally fixed to the headliner, wherein the microphone is located at a point on the headliner at which it is marked by the sun visor in a position swung up against the headliner, and wherein the sun-visor is sound-permeable at least in its area masking the microphone.

Denda '614 teaches a sound-permeable (32) sun visor (36) pivotal fitted to the headliner in Figure 16.

Regarding claims 1 and 9, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the motor vehicle of Emerling et al. '593 with a sound-permeable sun visor pivotally fitted to the headliner, as taught by Denda '614, in order block the sunlight in the driver's eyes.

Regarding claim 6, Emerling '593, as modified, discloses the motor vehicle, the sun visor has at least one perforated plate in its sound-permeable area.

Regarding claim 8, Emerling '593, as modified, discloses the motor vehicle, the sound-permeable area is provided with a textile covering.

6. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over over Emerling et al. 7,050,593 in view of Denda et al. 6,480,614 as applied to claim 1 above, and further in view of Umebayashi 2004/0084936.

Regarding claim 2, Emerling '593, as modified, discloses the motor vehicle but does not show the sun visor has a plurality of air ducts in its sound-permeable area.

Umebayashi '936 teaches a sun visor (34) with a plurality of air ducts in Figure 11.

Regarding claim 2, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the sun visor of the motor vehicle of Emerling et al. '593, as modified, with a plurality of air ducts, as taught by Umebayashi '936, in order to provide air to the passenger compartment.

Regarding claim 3, Emerling '593, as modified, discloses the motor vehicle, in the position in which the sun visor is swung up against the headliner the air ducts run basically perpendicular to the headliner.

Regarding claim 4, Emerling '593, as modified, discloses the motor vehicle, in the position in which the sun visor is swung up against the headliner the air ducts are oriented basically parallel to a line connecting the microphone to the head of an occupant.

Regarding claim 5, Emerling '593, as modified, discloses the motor vehicle, the length of the air ducts is greater than their width dimension.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Emerling et al. 7,050,593 in view of Denda et al. 6,480,614 as applied to claim 1 above, and further in view of Fero et al. 6,959,956.

Regarding claim 7, Emerling et al. '593, as modified, discloses the motor vehicle but does not show sun visor has an opaque member in its sound-permeable member.

Fero '956 discloses a sun visor has an opaque member in its sound-permeable member.

Regarding claim 7, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the sun visor of the motor vehicle of Emerling et al. '593, as modified, with an opaque membrane, as taught by Fero et al. '956, in order to inhibit passage of light through the visor body.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Lyjak whose telephone number is 571-272-6658. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lori L. Lyjak/
Primary Examiner
Art Unit 3612

III
November 19, 2007